

OHIO BINDOVERS FY19

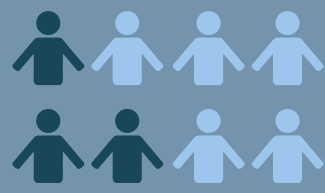
WHAT IS BINDOVER?

In Ohio, a bindover occurs when a juvenile court judge transfers a youth's case to adult court to be tried and sentenced as an adult.

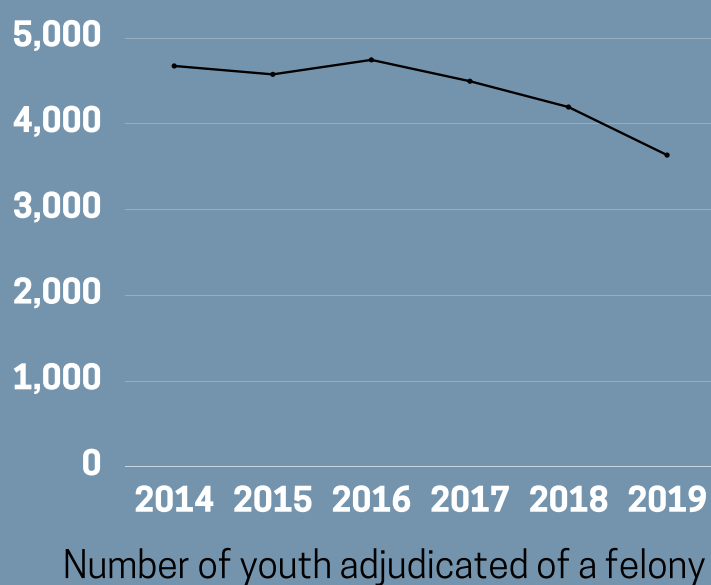
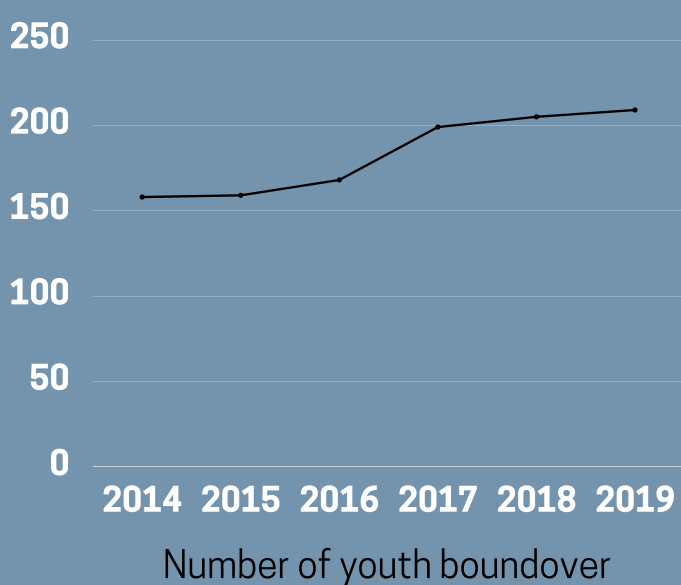
In Fiscal Year 2019 (FY19), **209 youth** in Ohio were bound over to adult court.¹ This represents a **steady increase** in the number of youths transferred to adult court since FY16. This is a departure from the decrease in bindover rates in Ohio from 2009-2016.

This rise in bindovers is in contrast to the **steady decrease** in the number of juvenile felony adjudications in Ohio over the same time span² and is contrary to the consistent **decline** in transfers nationally.³

RISE IN BINDOVERS



DECLINE IN FELONIES



TYPES OF BINDOVERS

Mandatory Bindover

The court **must** transfer a juvenile to adult court if:

- 16 or older charged with aggravated murder, murder, or attempts;
- 14 or 15 and charged with aggravated murder, murder, or attempts and previously committed to ODYS* for a category one or two offense; **or**
- 16 or older charged with category two offense and either has previously been committed to ODYS or used a firearm while committing the offense. ⁴

Discretionary Bindover

The Court has the **option** to transfer a juvenile if all of the following are met:

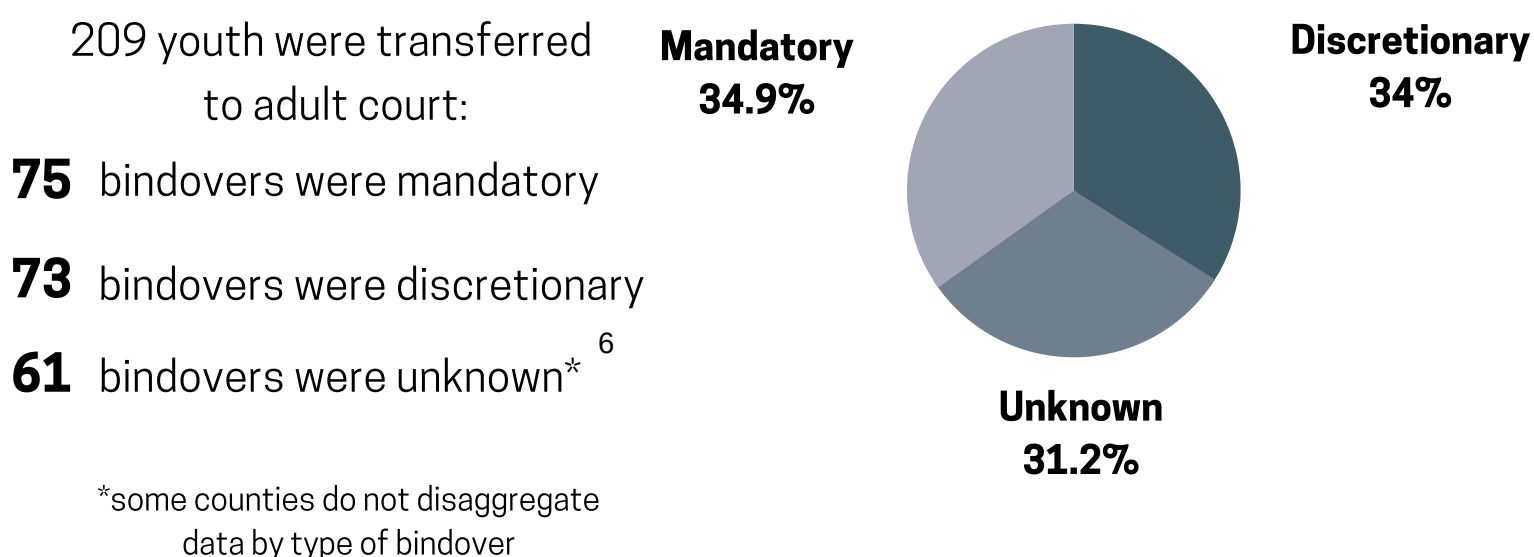
- The child is age 14 or older at the time of the act charged;
- The act charged would be a felony if committed by an adult;
- The child is not amenable to care or rehabilitation within the juvenile system; **and**
- The safety of the community requires the child to be subject to adult sanctions. ⁵

*Ohio Department of Youth Services (ODYS) juvenile prison facilities

MANDATORY V. DISCRETIONARY



FY19 BREAKDOWN BY TYPE OF BINDOVER



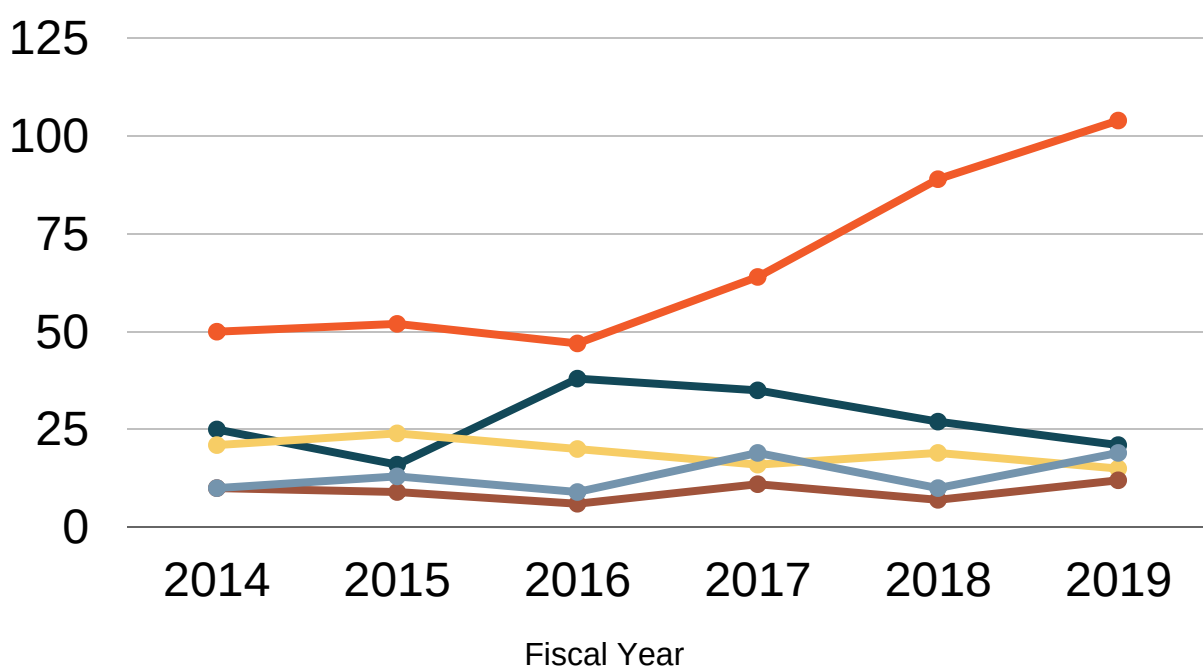
COUNTIES WITH THE HIGHEST BINDOVER RATES

OHIO INCREASES

Ohio's total number of bindovers declined 47% between 2010 (235 youth transferred) and 2015 (124 youth transferred).⁷ This decline is a result of targeted statewide efforts towards reforms--decreasing incarceration and increasing funding for evidence-based, developmentally appropriate community treatment. These interventions have been proven to yield improved outcomes for youth, including reduced recidivism rates.⁸

In the past ten years, Cuyahoga County has consistently led the state in the number of youths transferred to adult court. **In FY19, Cuyahoga County was responsible for fifty percent of Ohio's bindovers, with 104 youth transferred to adult court.**⁹ Hamilton County had the second highest FY19 bindover rate, with 21 youth transferred to adult court.

This graph compares the 5 counties in Ohio with the highest bindover rates in FY19 and their respective rates from the previous five years.¹⁰



Cuyahoga **Franklin** **Hamilton** **Montgomery** **Summit**



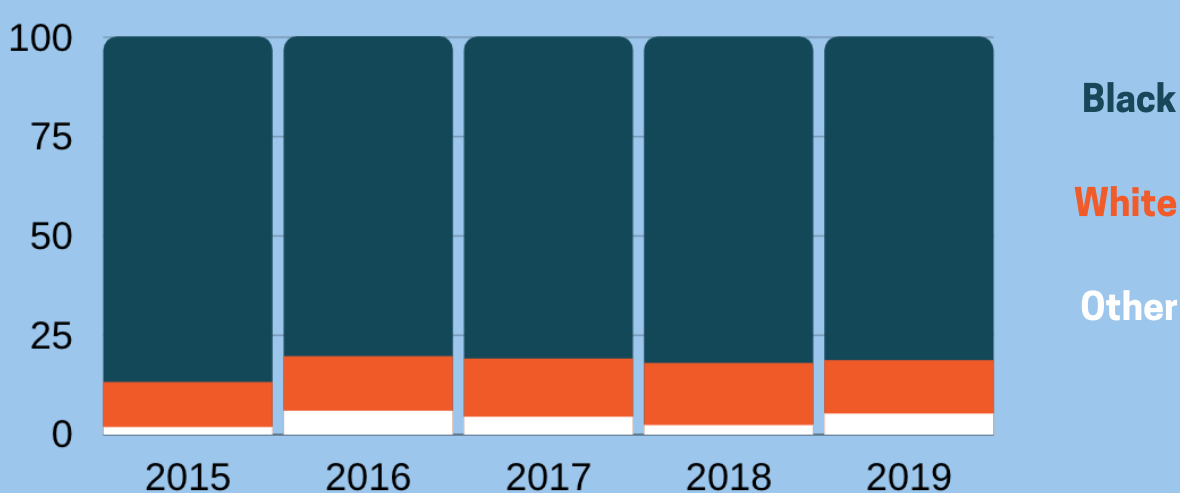
RACIAL DISPARITIES

In Ohio, the vast majority of youths who are bound over to adult court are Black. Over the past five years, Black youth have represented around 80% of youth bound over across the state. These disparities are particularly concerning given that nationally the youth crime rate is at the lowest rate in fifty years.

PERCENTAGE OF OHIO YOUTH BOUND OVER BY RACE

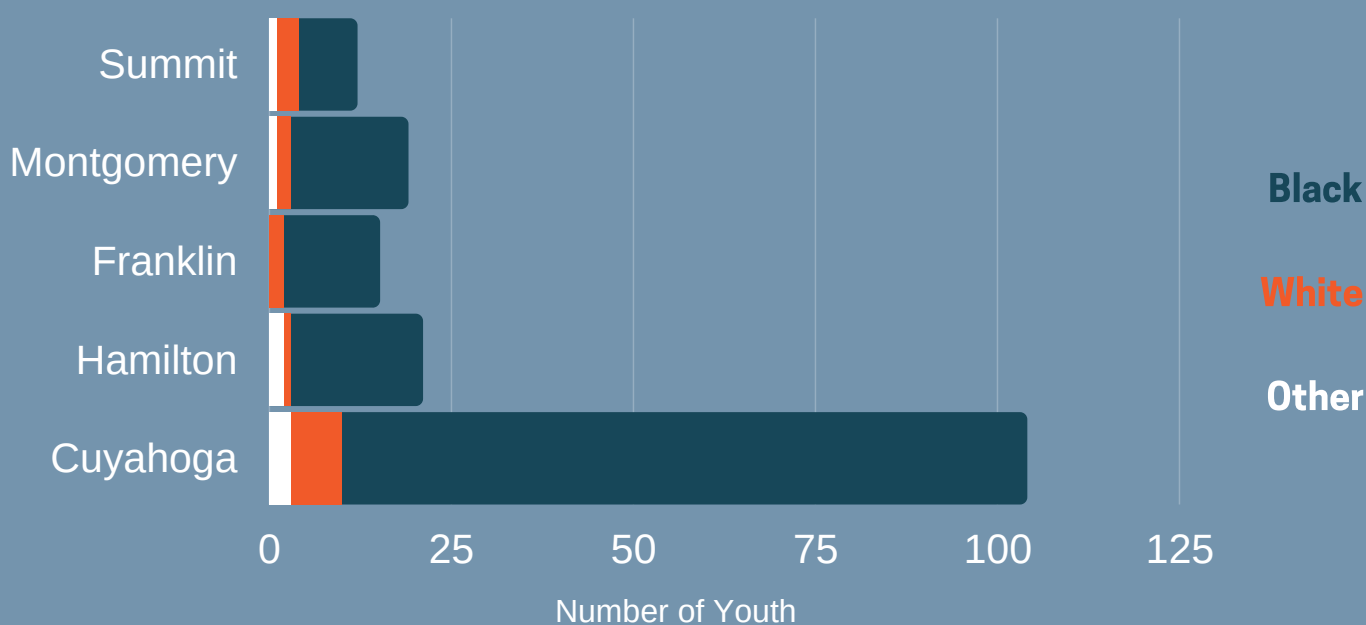
Profound racial disparities exist in Ohio.

Black youth comprise the overwhelming majority of bindovers each year.¹¹

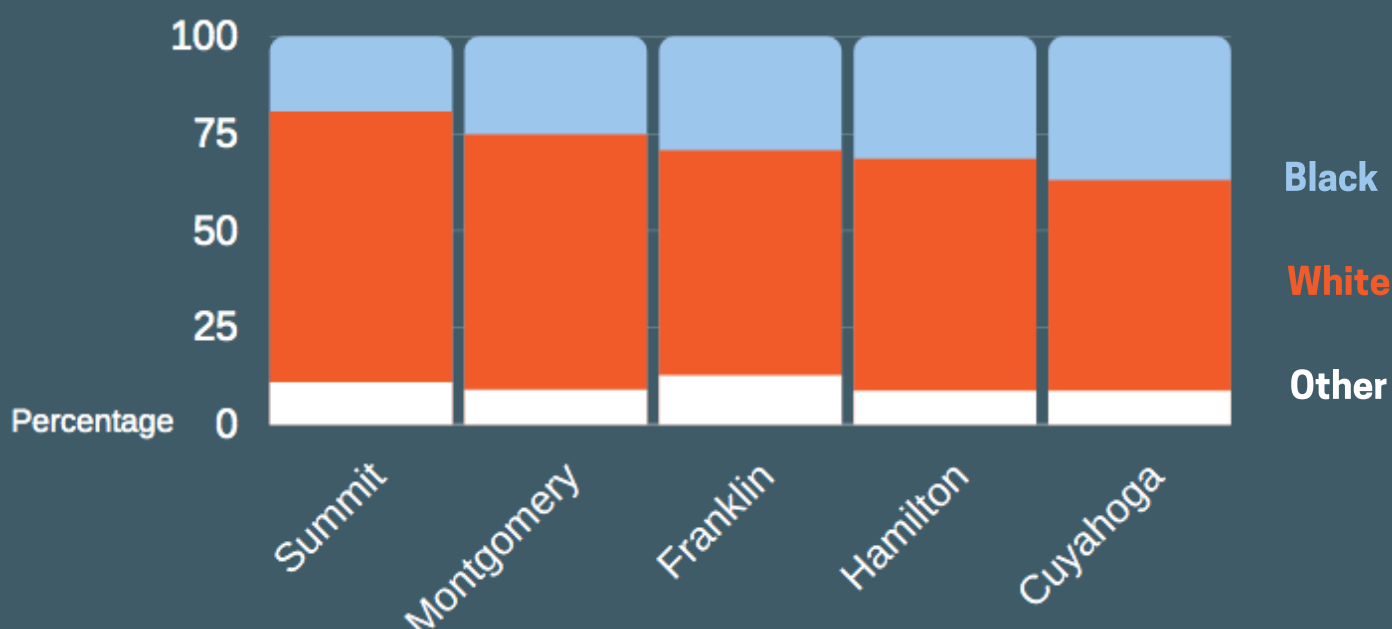


RACIAL BREAKDOWN FY19 BINDOVERS

Black youth represent a small percentage of Ohio's juvenile population. In Cuyahoga County, **Black youth accounted for only 37% of the youth population, yet comprised over 90% of the youth bound over** in FY19.¹²



2019 YOUTH POPULATION BY RACE¹³



REFERENCES



1. *Profile of Youth Transferred to Adult Court, Fiscal Year 2019*, Ohio Department of Youth Services, at: <https://dys.ohio.gov/wps/portal/gov/dys/about-us/communications/reports/statewide-reports-maintained-by-dys>
2. *Profile of Youth Adjudicated for Felony Offenses, Fiscal Year 2019*, Ohio Department of Youth Services, at: <https://dys.ohio.gov/wps/portal/gov/dys/about-us/communications/reports/statewide-reports-maintained-by-dys>
3. Brian Evans, *Winning the Campaign: State Trends in Fighting the Treatment of Children As Adults in the Criminal Justice System 2005-2020*, at 6, Washington, D.C.: Campaign for Youth Justice (2020).
4. Ohio Revised Code, Section 2152.12.
5. *Id.*
6. Ohio Department of Youth Services, response to public record request.
7. *Profile of Youth Transferred to Adult Court, FY2008 - FY2010*, *supra*
8. Ohio Department of Youth Services, *RECLAIM OHIO Statistics, FY2019*, at: <https://dys.ohio.gov/wps/portal/gov/dys/about-us/communications/reports/ohio-reclaim-reports>
9. *Profile of Youth Transferred to Adult Court, FY2019*, *supra*
10. *Profile of Youth Transferred to Adult Court, FY2014 - FY2019*, *supra*
11. *Profile of Youth Transferred to Adult Court, FY2015 - FY2019*, *supra*
12. *Profile of Youth Transferred to Adult Court, FY2019*, *supra*
13. United States Census Bureau statistics

